

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**NORFOLK COUNTY RETIREMENT)
SYSTEM and PLUMBERS LOCAL UNION)
519 PENSION TRUST, individually and on)
behalf of all others similarly situated,)**

Case No. 07-cv-07014

Plaintiffs,

V.

Judge Robert W. Gettleman

DANIEL C. USTIAN, ROBERT C. LANNERT, MARK T. SCHWETSCHENAU, NAVISTAR INTERNATIONAL CORPORATION, and DELOITTE & TOUCHE LLP,

Magistrate Judge Nan R. Nolan

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on August 27, 2009, at 9:15 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before The Honorable Judge Robert W. Gettleman, or any judge sitting in his stead, in the courtroom usually occupied by him at 219 South Dearborn Street, Chicago, Illinois, and will then and there present NAVISTAR DEFENDANTS' MOTION TO CERTIFY FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(B) THE COURT'S ORDER DENYING NAVISTAR DEFENDANTS' MOTION TO DISMISS, a copy of which is enclosed herewith.

Dated: August 17, 2009

Respectfully submitted,

/s/Sean M. Berkowitz

One of the Attorneys for Defendants

Navistar International Corporation,

Daniel C. Ustian, and Robert C. Lannert

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